THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.11834 of 2005

DATE: 25-7-2005

Between:

M/s Jayalakshmi Printers … Petitioner

And

The Commissioner of Printing Stationery and Store Purchase (Printing Wing) Department and another … Respondent

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.11834 of 2005

ORAL ORDER:

The grievance of the petitioner in this writ petition is that though the petitioner was included in the list of 'A' Class private Presses registered with the 1st respondent, vide proceedings dated 23-2-1998, and was shown at Serial No.67 in the annexure to the said proceedings, in the subsequent list published on 1-3-2005, the petitioner's name does not find mention in the list of approved printers.

Counter affidavit is filed on behalf of the 1st respondent wherein it is stated that the petitioner owns another printing press in the name of M/s Prasad Enterprises which was already black listed, vide G.O.Rt. No.112 dated 7-2-2000. Since the proprietor of both M/s Prasad Enterprises and M/s Jayalakshmi Printers is the same person, the name of Jayalakshmi Printers was removed from the list of 'A' class printers in the list issued on 1-3-2005.

Challenging the action of the Government in black listing M/s Prasad Enterprises, vide G.O.Rt.No.112 dated 7-2-2000, W.P.No.3377 of 2000 and W.A.No.324 of 2000 were filed and a Division Bench of this Court, by order dated 5-6-2000, set aside the order of the Government black listing M/s Prasad Enterprises, inasmuch as the said order was passed without granting opportunity of hearing and without a show cause notice being served. Respondents were given liberty to pass appropriate order in accordance with law after granting an opportunity of hearing to M/s Prasad Enterprises. No proceedings passed subsequent to the order of the Division Bench dated 5-6-2000 black listing M/s Prasad Enterprises, has been brought to the notice of this Court.

While the respondents are not precluded from giving an opportunity of hearing after serving a show cause notice on M/s Prasad Enterprises, for black listing it from the list of approved printing presses, till such action is initiated, and the said firm is actually black listed, the petitioner herein cannot be deleted from the list of registered printing presses. The action of the respondents in doing so, more so in view of the fact that such deletion was without notice and without opportunity of hearing being given to the petitioner herein, is arbitrary and in violation of Article 14 of the Constitution of India.

The writ petition is allowed and the respondents are directed to continue the petitioner in the approved list of registered printers maintained by the 1st respondent and communicate the same to all the heads of Departments of Government. No costs.

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25-7-2005

Note:

C.C. in three days

B/o

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